

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MATTHEW CLARK,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00009
	§	
THE BANK OF NEW YORK MELLON	§	
TRUST COMPANY, NATIONAL	§	
ASSOCIATION; fka THE BANK OF	§	
NEW YORK TRUST COMPANY, N.A.,	§	
AS SUCCESSOR TO JP MORGAN	§	
CHASE BANK N.A., TRUSTEE, <i>et al</i> ,	§	
	§	
Defendants.	§	

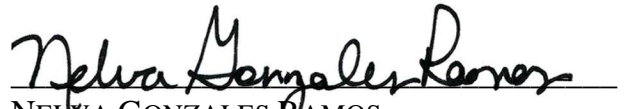
**ORDER**

Before the Court is Defendants' Partial Motion for Judgment on the Pleadings (D.E. 5). Pursuant to Local Rule 7.3, opposed motions will be submitted to the Judge 21 days from filing. The Motion was filed on January 16, 2013 and its submission date was February 6, 2013. Respondent has not filed a response to the Motion. Pursuant to Local Rule 7.4, failure to respond is taken as a representation of no opposition to the relief sought. The Court finds that Respondent's default demonstrates a failure to prosecute his claims subject to the Motion.

The Court has reviewed the Motion, along with the Original Petition (D.E. 1-3, pp. 4-8), and has evaluated the Defendants' arguments on their merits. After due consideration, the Court GRANTS the Motion (D.E. 5) in its entirety. Plaintiff has not requested the opportunity to amend his pleading. Therefore, the following causes of action against Defendants The Bank of New York Mellon Trust Company, National

Association, f/k/a The Bank of New York Trust Company, N.A. as successor to JP Morgan Chase Bank, N.A., as Trustee are DISMISSED: negligence, negligent misrepresentation, fraud, intentional infliction of emotional distress, and violations of the Texas Deceptive Trade Practices Act.

ORDERED this 11th day of February, 2013.

  
NELVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE